



BOULT ■ CUMMINGS  
CONNERS ■ BERRY PLC

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T.R.A DOCKET ROOM

March 2, 2004

Hon. Deborah Taylor Tate, Chairman  
Tennessee Regulatory Authority  
460 James Robertson Pkwy.  
Nashville, Tennessee 37238


Re: Petition for Arbitration of ITC^DeltaCom Communications, Inc. with  
BellSouth Telecommunications, Inc.  
Docket No. 03-00119

Dear Chairman Tate

Enclosed are the original and fourteen (14) copies of ITC^DeltaCom's Response to  
BellSouth's Final Best Offer for Issue 46

Very truly yours,

BOULT, CUMMINGS, CONNERS & BERRY, PLC

By:   
Henry Walker

HW/k

## Final Best Offer

### Issue 46: BLV/BLVI

As instructed by the Authority, ITC^DeltaCom submits its response to BellSouth's Final Best Offer for Issue 46 as filed on Friday February 20, 2004

BellSouth's General Subscriber Services tariff for BLV/BLVI service in Tennessee specifically states as follows:

A 13 5 1

Verification Service provides operator assistance in determining if a called line is in use. Interruption Service provides for operator interruption of a conversation in progress on a called line. The customer may request these services for a charge, where facilities are available, by calling the "O" Operator.

#### **A3.15.2 Application Of Charges**

A The charges specified in A3 15 3 following will apply to all requests except

- 1 Emergency requests from official emergency agencies when the request is received on an agency line from agency personnel
- 2 Emergency requests in which the caller identifies that the request is to
  - a an official public emergency agency,
  - b an emergency medical number, or
  - c privately endowed and operated suicide, drug alcohol, or runaway crisis reporting center
- 3 Requests in which the operator encounters a trouble condition or has reason to believe a trouble condition exists
- 4 Requests from railroad companies where loss of property, including loss of employee wages, is involved. For the interruption charge to be waived, a listing of telephone numbers from which the interruptions originate must be on file with the Company prior to the call interruption.

B Verification. A charge applies each time the operator verifies a called line and hears voice communication.

It is undisputed that ITC^DeltaCom and BellSouth have two-way operator services trunks currently in place between the companies and that ITC^DeltaCom paid for these trunks. In fact, the original purpose of placing two-way as opposed to one-way trunks, was for BellSouth to reach ITC^DeltaCom operators. Thus, there are facilities available, and ITCD would not have ordered two-way trunks if BellSouth had not indicated that it would need to be connected to ITC^DeltaCom's operator center.

In reviewing BellSouth's statements, we note the following:

- 1). There is no back up whatsoever for the estimate of \$837,000-\$1,046,155 for a mechanized billing solution to charge CLECs, and the TRA expressly requested back up for any proposals for rates or estimates.
- 2) ITC^DeltaCom should not pay for BellSouth to deliver a service to BellSouth's retail customer. ITC^DeltaCom can't charge the BellSouth customer calling the ITC^DeltaCom local customer for the BLV/BLVI service, and ITC^DeltaCom cannot charge its customer for receiving the call. ITC^DeltaCom will never recoup a \$1 million dollar capital expenditure to improve BellSouth's infrastructure and we shouldn't have to do so.
- 3). ITC^DeltaCom is willing to provide BellSouth a telephone number to ITCD's operator services center for a BellSouth operator to call and/or transfer the BellSouth customer

over to ITCD operator and ITCD will do the query (BLV and BLVI) for \$1.00<sup>1</sup> charge to BellSouth for Tennessee. BellSouth can charge its customer for the BLV/BLVI service at its tariffed rate to recoup the cost of making the call to the ITCD operator.

4). BellSouth will have to do the LNP query to determine whether to call the ITCD operator or transfer the BellSouth customer to ITCD's operator. The LNP query charge that BellSouth currently charges to other carriers is \$.000123 and BellSouth owns the LNP database and therefore its cost is likely to be much lower.

ITC^DeltaCom is willing to go the extra mile to meet its customers expectations that traffic be exchanged efficiently and correctly; it is unfortunate, however, that other carriers in the industry are not as conscientious as ITC^DeltaCom. Most importantly, BellSouth's tariff service for BLV/BLVI clearly contemplates that government agencies use this service for the public good. It is important that carriers as public utilities work cooperatively to serve the consuming public. ITC^DeltaCom strongly believes with this proposal that ITC^DeltaCom is, in good faith, fulfilling that duty.

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<sup>1</sup> Current retail rates in Tennessee for BellSouth for Verify is \$1.50 and Interrupt is \$3.00

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing is being forwarded electronically, to:

Guy Hicks, Esq.  
BellSouth Telecommunications, Inc.  
333 Commerce Street, Suite 2101  
Nashville, Tennessee 37201-3300

on this the 2nd day of March, 2004.

  
Henry Walker